

# South Dakota

## Registration Deadline

Forms must be received 15 days or postmarked 30 days before an election.<sup>1</sup>

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## Database Implementation Status

South Dakota has had a bottom-up statewide voter registration system in place since 2002, in which forms processed at the county level are uploaded daily to the statewide database.<sup>2</sup> This database was built in-house.<sup>3</sup>

## Entering Voter Registration Information

*Who inputs voter registration information?* County auditors generally review and enter information from voter registration forms in their jurisdictions into the appropriate county database; this information is uploaded nightly to the statewide database.<sup>4</sup>

*What happens to voter registration forms submitted at state registration agencies?* Forms received by the Department of Public Safety (“DPS”) or another voter registration agency are sent weekly to the appropriate county auditor for review and entry; forms completed at the DPS will be transmitted electronically.<sup>5</sup>

*How are most forms submitted?* South Dakota reported that in 2004, 25% of forms were submitted by mail, 63% were submitted in person to election officials, 4% were submitted at the DPS, and 8% were submitted at another voter registration agency.<sup>6</sup>

## Voter Registration Form

The relevant portions of the voter registration form are included at the end of this section.

## Processing of Forms Without Identifying Numbers

*How will the state treat an application with an affirmative indication that the applicant has no valid identifying number?* South Dakota’s form does not clearly state how an applicant should indicate that she has no valid identifying number. An applicant who has neither a valid driver’s license number nor a SSN must appear in person at the county auditor’s office to sign a statement under oath to that effect.<sup>7</sup>

*How will the state treat an application without an identifying number and without an affirmative indication that the applicant has no such number?* If uncorrected (see below), the application will be rejected.<sup>8</sup>

*How will the state treat an application listing an identifying number that is either incomplete or illegible?* If uncorrected (see below), the application will be rejected.<sup>9</sup>

## Matching Against Motor Vehicle and Social Security Records

*What fields from the voter registration form will the state seek to match to motor vehicle or Social Security records?* Identifying number, last name, first name (including variants), and date of birth.<sup>10</sup>

*How precise is the match standard?* South Dakota requires an exact match.

*How much human intervention is involved in determining whether information is matched?* For applicants submitting out-of-state driver's license numbers, the state will attempt to match information based on the system implemented by the appropriate state. For forms with South Dakota driver's license numbers, the initial screening process is fully automated, but the forms with information that cannot be matched automatically are then checked manually.

*Description of matching process:* Information from voter registration forms uploaded to the state database will be automatically checked against the database of the DPS, the Unified Judicial System, and the Department of Health, and the system will return a code denoting the presence or absence of a match.<sup>11</sup> This match process generally takes place within 24 hours. State elections officials will also phone out-of-state DMVs directly, to attempt to match the information on forms with out-of-state driver's license numbers.

After an initial automated match is attempted, the records of voters whose information does not match the identifying-number databases, or whose information matches the felony conviction or deceased databases, will be referred by e-mail to the county auditor, who will manually review the voter's application and information collected from the appropriate state agency.

Information on forms listing SSN digits will be automatically checked against the SSA database through the standard AAMVA process: the DPS will automatically submit the SSN digits, last name, first name, month of birth, and year of birth to the SSA, and the system will return a code indicating whether the record was successfully matched or not.<sup>12</sup>

*What are the consequences if the state cannot find a match?* If uncorrected (see below), the application will be rejected.<sup>13</sup>

## Notice and Opportunity to Resolve Errors

*Does the applicant have the opportunity to correct a missing or incomplete identifying number, without submitting a new form?* Yes. The applicant may correct missing or incomplete information at any point before the voter registration deadline.<sup>14</sup>

*Does the applicant have the opportunity to resolve a failed match, without submitting a new form?* Yes. The applicant may submit information to resolve a failed match at any point before the voter registration deadline; if the voter supplied complete and correct

information on her original application, a failed match may be corrected at any point before Election Day.<sup>15</sup>

*If information on an otherwise timely application is corrected after the voter registration deadline, is the correction timely?* No – except that if the voter supplied complete and correct information on her original application, the registration will be timely as of the date the original application was submitted.<sup>16</sup>

*Description of notice and correction process:* The county auditor will attempt to notify by mail an applicant whose identifying number is missing, incomplete, illegible, or unverified.<sup>17</sup> The applicant may attempt to resolve the error at any point before the voter registration deadline, by phone, mail, or in person; if the error is not due to the information on the applicant’s timely form, she may attempt to resolve the error at any point before Election Day. If the identifying number cannot be verified, the application will be rejected.

## Identification Requirements at the Polls

*Who must provide identification at the polls?* Every voter must present identification at the polls.<sup>18</sup>

*What forms of identification are accepted?* A South Dakota driver’s license or non-driver identification card; a passport or other photo ID issued by the federal government; a tribal photo ID card; a photo ID card issued by a South Dakota high school or university; or a personal identification affidavit listing the voter’s current residential address and declaring that the voter is the person listed on the registration list.<sup>19</sup>

### Forms of ID:

every voters:	South Dakota driver’s license South Dakota nondriver ID card passport other federal photo ID tribal photo ID card South Dakota school photo ID affidavit with address
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*What are the consequences of failing to show identification?* If identity cannot be proven to the satisfaction of the poll worker through the presented photo identification or affidavit, or “other forms of identification, personal knowledge, and an explanation” from the voter, the voter may vote by provisional ballot.<sup>20</sup> This ballot will be counted unless there is no evidence that a voter registration form showing a valid residential address in the appropriate precinct had been completed by the voter and returned to an official voter registration site before the voter registration deadline.<sup>21</sup>

## Statutes and Regulations

S.D. CODIFIED LAWS ch. 12-4 generally concerns registration. S.D. CODIFIED LAWS § 12-4-37 directs the Secretary of State to establish and maintain a single statewide voter registration system. S.D. ADMIN. R. 5:02:03:12 *et seq.* comprise the applicable regulations.

## End Notes

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<sup>1</sup> S.D. CODIFIED LAWS § 12-4-5.

<sup>2</sup> *Id.* § 12-4-37; S.D. ADMIN. R. 5:04:06:03.

<sup>3</sup> electionline.org, *Assorted Rolls: Statewide Voter Registration Databases Under HAVA*, June 2005, available at <http://www.electionline.org/Portals/1/EB11.FINAL1.pdf>, at 23; electionline.org, *Statewide Voter Registration Database Status*, at <http://www.electionline.org/Default.aspx?tabid=288>.

<sup>4</sup> S.D. CODIFIED LAWS § 12-4-2.

<sup>5</sup> *Id.* § 12-4-5.

<sup>6</sup> Election Assistance Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2003-2004*, June 30, 2005, tbl. 2, available at [http://www.eac.gov/NVR\\_Spreadsheets/NVRA\\_table\\_2.html](http://www.eac.gov/NVR_Spreadsheets/NVRA_table_2.html). Due to rounding, the percentages listed may exceed 100%.

<sup>7</sup> S.D. CODIFIED LAWS § 12-4-5.4.

<sup>8</sup> *Id.* § 12-4-6.1, as amended by 2005 S.D. Laws ch. 89 (HB 1007).

<sup>9</sup> *Id.* § 12-4-6.1, as amended by 2005 S.D. Laws ch. 89 (HB 1007).

<sup>10</sup> *See Id.* § 12-4-5.5, as amended by 2005 S.D. Laws ch. 89 (HB 1007); S.D. ADMIN. R. 5:02:03:22.

<sup>11</sup> S.D. CODIFIED LAWS § 12-4-5.5, as amended by 2005 S.D. Laws ch. 89 (HB 1007).

<sup>12</sup> S.D. ADMIN. R. 5:02:03:23.

<sup>13</sup> S.D. CODIFIED LAWS § 12-4-5.5, as amended by 2005 S.D. Laws ch. 89 (HB 1007).

<sup>14</sup> *Id.* § 12-4-6.1, as amended by 2005 S.D. Laws ch. 89 (HB 1007).

<sup>15</sup> *Id.* § 12-4-6.1, as amended by 2005 S.D. Laws ch. 89 (HB 1007).

<sup>16</sup> *Id.* § 12-4-6.1, as amended by 2005 S.D. Laws ch. 89 (HB 1007).

<sup>17</sup> *Id.* § 12-4-5.3.

<sup>18</sup> *Id.* § 12-18-6.1.

<sup>19</sup> *Id.* §§ 12-18-6.1, -6.2.

<sup>20</sup> *Id.* §§ 12-18-6.3, -39.

<sup>21</sup> *Id.* § 12-20-5.1.

# Voter Registration Application for \_\_\_\_\_ County

Use this form to: Register to vote or report a name, address or party change.

**Please print. Complete entire form. Return this form to your county auditor.**

**The deadline for registration is 15 days before any election. Your form must be received by the auditor by this deadline if you are to vote in the next election.** Within 15 days you will receive a notice of your registration. If you do not, contact your county auditor. Any private person or entity registering voters is required to provide you with their contact information.

Are you a citizen of the United States of America?     Yes     No

Will you be 18 years of age on or before election day?     Yes     No

If you checked 'no' in response to either of these questions, do not complete this form.

Last	First	Middle	Circle one: Jr Sr II III IV
Residence Address	Apt or Lot #	City/Town	State Zip
Mailing Address (if different)		City/Town	State Zip
If residence address is a post office box, rural box, or general delivery, you must give the location of your residence:			

Print previous name, if changed:

Driver License Number Required: <small>(if you do not have a valid driver license, you must give the last four numbers of your social security number)</small>	State of driver license issue:
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Please register me as a member of the _____ Party.	Birth Date Required:	Phone Number:
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I declare, under penalty of perjury (5 years imprisonment and \$5,000 fine), that:

- \* I am a citizen of the United States;
- \* I maintain my home at the above address;
- \* I will be 18 on or before the next election;
- \* I have not been judged mentally incompetent;
- \* I am not currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system.
- \* I authorize cancellation of my previous registration as written below.

Dated ____/____/____	Voter Signature:
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For county auditor's office use only:

\_\_\_\_\_  
 Ward      Precinct      Water      Leg      Comm      Township      School      other

## Previous Voter Registration Information Required

I wish to be registered as shown above. I was last registered with the following name and address which will be cancelled:

Last	First	Middle	Circle one: Jr Sr II III IV
Previous Address		City/Town	State Zip
County:	Birth Date:	Driver license number:	
Dated ____/____/____		Voter Signature:	